



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 5345-99  
21 January 2000

MSGT [REDACTED] USMCR RET  
[REDACTED]  
[REDACTED]

Dear Master Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by Headquarters Marine Corps dated 8 October 1999, 27 October 1999, and 6 December 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions dated 27 October and 6 December 1999. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

8345-99

IN REPLY REFER TO:

1610

MMER

8 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MASTER SERGEANT [REDACTED].  
[REDACTED] 103, USMCR(RET)

1. Master Sergeant [REDACTED] case is being returned without action by the PERB. Before we can consider and comment on his case, we must first know exactly what fitness report(s) he is challenging.

2. Request Master Sergeant [REDACTED] be asked to identify, with specificity, the fitness report(s) he is asking to have removed from his record.

[REDACTED]  
Head, Performance Evaluation  
Review Branch  
Personnel Management Division  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
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3280 RUSSELL ROAD  
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5345-99

IN REPLY REFER TO:

1400/3  
MMPR-2  
27 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF MASTER SERGEANT [REDACTED]  
[REDACTED] 03 USMCR RETIRED

Ref: (a) MCO P1400.32 B  
(b) Head, MMER ltr 1610 MMER of 8 Oct 99

1. Master Sergeant [REDACTED] a retired Marine, has requested the investigation of a possible racial discrimination in which he feels caused him nonselection for Master Gunnery Sergeant in 1985 and 1986. He believes that fitness reports that were written by his chain of command led to his failure for promotion to the rank of master gunnery sergeant.
2. Master Sergeant [REDACTED] retired on 21 April 1986. Per paragraph 1203.9 of reference (a), Marines on the Retired List or in the FMCR are not eligible for promotion except when assigned to extended active duty with the Regular Establishment. Additionally, per reference (b) Master Sergeant [REDACTED]'s request for the removal of fitness report(s) from his service record book (SRB) was returned without action by the Performance Evaluation Review Board (PERB) because he did not identify which fitness reports he is challenging. Therefore nothing in Master Sergeant [REDACTED]'s record has changed that would make him eligible for remedial consideration if he was on active duty. Recommend his petition be denied.

[REDACTED]  
[REDACTED]  
[REDACTED] FITZWATER  
Assistant Head, Enlisted Promotions  
Promotion Branch  
By direction of  
the Commandant of the Marine Corps



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5345-99

IN REPLY REFER TO:

5354

MPE

DEC 06 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: REVIEW OF BCNR APPLICATION IN THE CASE OF MASTER SERGEANT  
[REDACTED] (USMCR) (RET)

1. As requested, the following opinion(s) are provided concerning the BCNR complaint of [REDACTED] MSgt [REDACTED] feels he was the victim of racial discrimination during his tour of duty with 4<sup>th</sup> Marine Division, Lynchburg, Virginia. MSgt [REDACTED] alleges the racial discrimination he experienced during this tour prevented his selection to Master Gunnery Sergeant.

2. A review was conducted for racial discrimination as alleged by the documents provided by the BCNR board. The documents forwarded by MSgt [REDACTED] do not provide conclusive evidence to substantiate an allegation of racial discrimination. In accordance with Marine Corps Order P5354.1C, all complaints must be submitted within 60 days of their occurrence, or within a reasonable timeframe to allow for a thorough investigation. The timeframe identified by MSgt [REDACTED] exceeds a reasonable length of time to allow for an effective investigation to address these issues. This allegation can not be substantiated.

3. Point of contact for further assistance [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Colonel, U.S. Marine Corps  
Head, Manpower  
Equal Opportunity Branch  
Manpower Plans and Policy  
Division